

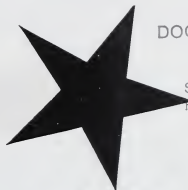
Guide to Initiative Ordinances and Declarations of Policy for San Francisco

**November 3, 1993
Municipal Election**

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**Revised
Feb. 19, 1993**

**Prepared by:
Office of the Registrar of Voters
City and County of San Francisco
Germaine Q Wong
Registrar of Voters**

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1. Sample Request for City Attorney Title and Summary
2. Sample Notice of Intent to Circulate Petition
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Guide to initiative
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PREFACE

This guide describes the requirements for preparing and qualifying San Francisco ordinances and declarations of policy, through the initiative process, for the November 1993 election. This guide merely summarizes the major provisions related to the initiative process for San Francisco ordinances and declarations of policy and does not have the force and effect of law, regulation, or rule. Interested parties should not rely on this guide as a substitute for consulting their own legal counsel. In case of conflict, the law, regulation, or rule will apply.

This guide is limited to describing the schedule and requirements for qualifying initiative ordinances and declarations of policy for the ballot in San Francisco for the November 2, 1993 election. For information on how to put a proposed charter amendment on the ballot, see the Guide for Charter Amendments. Requirements for state initiatives are different. For guidance on the state initiative process, please refer to the **California Ballot Initiatives Manual** prepared by the California Secretary of State. Copies of this manual are available from the Secretary of State at 1230 J Street, Sacramento, CA 95814 or the Registrar of Voters.

In this guide, the proponent of a measure is the individual(s) who initially files with the Registrar of Voters the Notice of Intent to Circulate the Petition and requests that a Title and Summary be prepared. Accordingly, when the guide states that "you" may or must do something, "you" refers to the proponent of the petition.

If you are circulating an initiative petition, you may need to file campaign statements under the Political Reform Act of 1974. Consult your legal counsel, the Technical Assistance Division of the Fair Political Practices Commission, or this office for information.

Initiative petitions concerning ordinances and declarations are governed by the San Francisco Charter. If the Charter does not address a particular aspect of the initiative process, the State Elections Code provisions for municipal elections apply. Unless otherwise specified, code sections in this guide refer to the California Elections Code (CEC).

If you have questions, please contact Naomi Nishioka, Campaign Services Manager, at 554-4396.

CITIZENS ADVISORY COMMITTEE ON ELECTIONS

Mayoral appointees: Ernest Llorente, Chair; David Binder, Jim Stevens, Molly Wood.

Board of Supervisors appointees: Martha Gillham, Daniel Kalb, Brian Mavrogeorge, George Mix, Jr., Samson Wong, Richmond Young.

Ex officio members: Randy Riddle, Deputy City Attorney; Germaine Q Wong, Registrar of Voters


Appointed members represent political organizations, political parties, labor organizations, neighborhood organizations, business organizations and other citizens groups interested in the political process.

The Committee studies and makes advisory recommendations to the officers of the City and County on all matters relating to voter registration, elections and the administration of the office of the Registrar of Voters; investigates compliance with the requirements of Federal, State and local election and campaign reporting, disclosure laws and other statutes relating to the conduct of elections in San Francisco; promotes citizen participation in the electoral process; studies and reports on all election matters referred to it by various officers of the City and County.

Important Points:

1. It takes 9,694 valid signatures of registered San Francisco voters to place a proposed ordinance or declaration of policy on the ballot through the initiative process.
2. You must pay a \$200 filing fee when you file the text of your proposed measure and your notice of intent to circulate an initiative petition.
3. You have a maximum of 180 days after the date of receipt of the title and summary to obtain signatures and file the petition.
4. For the November 2, 1993 ballot, all sections of the initiative petition must be submitted by July 21, 1993. Qualified petitions submitted after July 21, but within the 180 day limit, will be placed on the ballot at a later election.
5. To qualify an ordinance or declaration of policy for a special election, the petition must:
 - a. be signed by at least 10% of the entire vote cast for all candidates for mayor at the last preceding general municipal election (19,388 signatures); and
 - b. contain a request that the measure be submitted to a vote of the electorate at a special election.

(S. F. Charter Section 9.111)



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I. Steps to Place an Ordinance or Declaration of Policy on the Ballot

Q. 1: How do I get an initiative ordinance or declaration of policy on the November 1993 ballot?

A: There are three basic parts to getting an initiative on the ballot:

1. You prepare the text of the ordinance or declaration and publish the Notice of Intent and the title and summary prepared by the City Attorney.
2. You prepare, circulate and file the petition.
3. The Registrar of Voters determines whether there is a sufficient number of valid signatures and whether other requirements have been met to qualify the petition for the ballot.

Q. 2: How many signatures does it take to qualify a proposed ordinance or proposed declaration of policy for the ballot?

A: It takes valid signatures in a number equal to 5% of the entire vote cast for mayor at the last preceding regular municipal election, (S.F. Charter Sections 9.108 & 9.111) There were 193,875 votes cast for mayor in the 11/5/91 election. Thus, 9,694 valid signatures of registered San Francisco voters are required. To place the measure on the ballot at a special election, you must have the signatures equal to 10% of the entire vote cast for mayor (19,388) and must call for a special election in the petition.

Q. 3: What are the requirements for preparing and publishing the text, title, and summary?

A: The following steps must be taken:

1. Write the text of the proposed ordinance or declaration of policy. We strongly advise that you consult with an attorney to assist you in this step.
2. File with the Registrar of Voters:
 - a. A copy of the text of the proposed measure with a request that the City Attorney prepare a ballot title and summary. Your mailing address must be included with the request. (See Attachment 1)
 - b. A Notice of Intent to Circulate an Initiative Petition signed by at least one, but not more than three, proponents, which may, but need not, contain a written statement of no more than 500 words, setting forth the reasons for the proposed petition. (CEC, Sections 4002 and 4002.5) See Attachment 2 for language of Notice.
3. Pay the \$200 filing fee (make check out to the Registrar of Voters), which is refundable if, within one year of the date of filing the Notice of Intent, the Registrar certifies that the petition qualifies for the ballot. (CEC, Section 4002)

4. The City Attorney, within 15 days after you have filed your proposed measure, will write a ballot title for and summary of your proposed measure. The ballot title may differ from any other title of the proposed measure. In the ballot title, the City Attorney must give a true and impartial statement of the purpose of the proposed measure. The summary may be no longer than 500 words. (CEC, Section 4002.5)

If you disagree with the City Attorney's title and summary, you may file a lawsuit for a writ of mandate challenging the ballot title and/or summary prepared by the City Attorney. The court can issue a writ of mandate if you can prove by clear and convincing evidence that the title and/or summary is/are false, misleading, or inconsistent with the requirements of Section 4002.5. (CEC, Section 4002.7)

5. You must make arrangements to publish the Notice of Intent and the title and summary of the proposed measure as prepared by the City Attorney at least once in a newspaper of general circulation. (CEC, Section 4003). The County Clerk's office in Room 167 has a list of newspapers qualified to publish legal notices.
6. Within ten days after the date of publication of the Notice of Intent and title and summary, you must file a copy of the notice and title and summary as published, together with an affidavit made by a representative of the newspaper in which the notice was published, certifying to the fact of publication.

This affidavit, together with a copy of the Notice of Intent and title and summary, must be filed with the Registrar of Voters between 8:30 a.m. - 4:30 p.m., Monday to Friday, except for holidays. (CEC, Section 4004)

If you do not file the proof of publication within ten days, the Registrar of Voters will not accept the petition for filing.

II. Petition Format

Q. 4: May I design the petition any way I want?

- A: You may, but each section of the petition must include the following portions in the format described below. See Attachment 3 for a sample petition which includes all required information.

Above the space for signatures (everything in italics must be on the petition exactly as written):

1. The first page of each section of the petition must be headed "*INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS*" followed by the statement "*The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:*" This must be followed, in roman bold face type not smaller than 12-point, by the ballot title prepared by the City Attorney. The summary prepared by the City Attorney must follow the title. The title and summary also must appear at the top of each page on which signatures are to appear. (CEC, Section 4002.5)

It is a well-known fact that the American people are not properly educated in the principles of health and hygiene. This is due to the fact that the average person does not have the opportunity to receive a thorough education in these subjects. The result is that the people are often misled by false advertising and unscrupulous dealers who sell them inferior and even dangerous products. It is the duty of the medical profession to educate the people and to protect them from such frauds.

The American Medical Association has long been concerned with the problem of educating the public. It has published many pamphlets and books on the subject of health and hygiene. It has also held numerous public hearings and has been active in the work of the Federal Food and Drug Administration. The Association is now engaged in a campaign to educate the people about the dangers of false advertising and to protect them from the sale of inferior and dangerous products.

The first step in this campaign is to identify the products that are being sold in violation of the law. The Association has already identified many such products and has filed suit against their manufacturers and dealers. It is now working to identify more such products and to bring suit against their manufacturers and dealers.

The second step in this campaign is to educate the public about the dangers of false advertising and to protect them from the sale of inferior and dangerous products. The Association is doing this by publishing pamphlets and books on the subject of health and hygiene. It is also holding public hearings and is active in the work of the Federal Food and Drug Administration.

The third step in this campaign is to protect the public from the sale of inferior and dangerous products. The Association is doing this by filing suit against the manufacturers and dealers of such products. It is also working to have the Federal Food and Drug Administration take action against such manufacturers and dealers.

The American Medical Association is committed to the work of educating the public and protecting them from the sale of inferior and dangerous products. It is doing this by publishing pamphlets and books on the subject of health and hygiene. It is also holding public hearings and is active in the work of the Federal Food and Drug Administration.

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The first page of the petition must also contain the text of the ordinance or declaration of policy. (CEC 4001)

(Full text of proposed ordinance or declaration of policy in no less than 10 point type)

2. You must also print the following information in 12-point type prior to the part of the petition containing signatures:

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. (CEC, Section 41 .5)

The spaces for signatures of registered San Francisco voters must:

1. Be numbered consecutively commencing with the number one (1); and
2. Include space for the printed name, signature, residence address, city, zip code, and at least one-inch after each name for use by the Registrar's Office. (CEC, Sections 41 and 4085)

Below the space for signatures:

1. The circulator must sign a declaration which includes:
 - a. A statement that the circulator is a registered San Francisco voter;
 - b. The printed name of the circulator;
 - c. The residence address of the circulator at the time of the signing of the declaration, giving street and number, or if no street or number exists, enough information about the residence location so that the Registrar can determine the site.
 - d. The dates between which all the signatures to the petition were obtained;
 - e. A statement that the circulator circulated that section and witnessed the signers' signatures being written; and
 - f. That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
2. The circulator must certify to the content of the declaration as to its truth and correctness, under penalty of perjury, then sign her/his name, including given name and middle name or initial. The circulator must state the date and place s/he is signing the declaration immediately following her/his signature. (CEC, Section 44)

The body of an ordinance (as opposed to a declaration of policy) must be proceeded by the words: "Be it ordained by the people of the City and County of San Francisco". (CEC, Section 2.300)

Each section must contain the Notice of Intent as published and the text of the measure. (CEC, Section 4005) This can be printed on the back side of the petition.

III. Gathering Signatures

Q. 5: How much time do I have to gather a sufficient number of signatures?

A: In most cases, you have a maximum of 180 days from the date of receipt of the title and summary. (CEC, Section 4006) If you seek a writ of mandate to amend the ballot title and/or summary, the last day is extended. You may begin circulating the petition as soon as the Notice of Intent, title and summary are published. (CEC, Section 4005)

In order for an initiative measure to be put on the November 2, 1993 ballot, the petition must be submitted by July 21, 1993 (104 days before the election). (S. F. Admin. Code Section 5.77-2) If it is submitted after that date, but within 180 days, it will be placed on the ballot at a later election.

Q. 6: Who may sign a petition?

A: Any eligible registered voter in San Francisco may sign a petition. (CEC Section 41)

Q. 7: Who may file a petition?

A: The petition must be filed by the proponent or by a person or persons authorized in writing by the proponents. (CEC Section 4008)

Q. 8: Can a person who signs a petition withdraw her/his signature?

A: Yes. Any voter can have her/his signature withdrawn by filing a written request with the Registrar of Voters prior to the day the petition is filed. Once the petition has been filed, no signatures can be withdrawn. (CEC, Sections 43 & 9.109)

Q. 9: Can I keep turning in petitions until I reach the required number of signatures?

A: No. All sections of the petition must be filed at one time. Once filed, no additional petition sections may be accepted by the Registrar, and no petition section may be amended except by order of a court of competent jurisdiction. (CEC, Section 4008)

Q.10: How long will it take before I find out if there are enough signatures to qualify the measure for the ballot?

A: Within 30 days from the date of your filing, excluding Saturdays, Sundays, and holidays the Registrar of Voters will notify you that your proposed measure did or did not qualify for the ballot. If your petition is found to be sufficient, the Registrar shall certify the results to the Board of Supervisors. (CEC, Sections 3708 & 4009) Note: the Registrar will be able to make this determination more quickly if you bundle your petition sections. See Attachment 4 for instructions.

Q.11: Can I have the ordinance or declaration of policy submitted at a special election?

- A:** Yes, if you gather signatures equal in number to 10% of the votes cast for mayor at the last local election (19,388), and the petition contains a request that the ordinance or declaration of policy be submitted at a special election.

IV. If the Measure Qualifies

Q.12: If the measure qualifies, will it be on the November 2, 1993 ballot?

- A:** If your petition conforms to all of the legal requirements and you collect enough valid signatures, and file them all by 7/21/93, the measure will qualify for the November 2, 1993 ballot. If it meets all the requirements, but is submitted after 7/21/93, then it will be placed on a later ballot.

Q.13: How many votes does it take to pass a measure?

- A:** In most cases, a simple majority of the vote, that is 50% + one vote of the total number of votes on the measure. (California Constitution, Article 11, Section 3)

Q.14: If passed by the voters, when will the ordinance or declaration of policy become effective?

- A:** The ordinance or declaration of policy will go into effect 10 days after the Board of Supervisors declares the official count.

Q.15: What if there are two conflicting ordinances or declarations of policy at the same election?

- A:** The ordinance or declaration of policy receiving the highest number of affirmative votes controls. (S. F. Charter, Section 9.114)

V. Reporting and Other Requirements

Q.16: Are there any financial reporting requirements?

- A:** If you plan to raise and/or spend \$1000 or more in your effort to qualify the initiative and to campaign for its passage, you must form a committee and file campaign disclosure statements. See Registrar of Voters staff for more information.

Q.17: Can I post signs supporting the initiative once it qualifies?

- A:** Yes. However, if you are going to post signs on public property, you must post a bond with the S. F. Department of Public Works and/or file a Statement of Responsibility form with the State Department of Transportation. See Registrar of Voters staff for information.

Attachment 1 - Sample Request for City Attorney Title and Summary

Date _____

Ms. Germaine Q Wong
Registrar of Voters
City and County of San Francisco
City Hall, Room 158
San Francisco, CA 94102

Dear Ms. Wong:

Enclosed is the draft text of a proposed ordinance (or declaration of policy) to be submitted to the voters of the City and County of San Francisco. We request that a copy be forwarded to the City Attorney so that a ballot title and summary may be prepared.

Please send the title and summary to:

Name: _____

Address: _____

City: _____ Zip Code: _____

If you have any questions, please call me at _____ (days) or
_____ (nights & weekends).

Sincerely,

Attachment 2 - Sample Notice of Intent to Circulate Petition

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of San Francisco for the purpose of _____.

A statement of the reasons of the proposed action as contemplated in the petition is as follows (optional, maximum of 500 words):

NAME (PRINTED)

NAME (SIGNATURE)

DATE

(OPTIONAL)

(OPTIONAL)

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney of San Francisco has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE AND SUMMARY AS PREPARED BY THE CITY ATTORNEY; THE TITLE MUST BE PRINTED IN BOLDFACE ROMAN TYPE NOT SMALLER THAN 12 POINT; THIS IS AN EXAMPLE OF 12 POINT BOLDFACE ROMAN TYPE. PLEASE FOLLOW THIS FORMAT.

The summary of the initiative as prepared by the City Attorney follows the title. The summary must be printed in Boldface Roman Type, not smaller than 12 point. This is a sample of 12 point boldface roman type. This sample title and summary is exactly 200 words. This sample summary continues for several more lines, to show you how a typical petition section should look. On each section of the petition, above the text of the proposed ordinance or declaration of policy, place the Title and Summary as prepared by the City Attorney. In addition, the City Attorney's Title and Summary must be printed across the top of each page of the petition on which signatures are to appear. Again, the Title and Summary must be printed in Roman boldface type, not smaller than 12 point. This sample title and summary is exactly 200 words. This sample title and summary is exactly 200 words.

PUBLISHED NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City and County of San Francisco, for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: _____. The first sentence, beginning with "Notice is" and ending with "for the purpose of ..." is required. The second sentence is optional. It would contain a statement of not more than 500 words giving the reasons for the proposed petition. This notice must contain the exact language as it was published in a San Francisco newspaper of general circulation. The notice must be signed by at least one, but not more than three proponents. This sample statement of purpose is exactly 100 words after the official notice, which is the first sentence. First Signer, Second Signer, Third Signer

Be it ordained by the People of the City and County of San Francisco:

Section 1. The exact text of the proposed ordinance appears in this part of the petition section. It may continue for however much space is needed to include the entire text of the proposed ordinance.

Section 2. The exact text of the proposed ordinance appears in this part of the petition section. This four section sample contains exactly 154 words in 12 point roman style type.

Section 3. The Title and Summary should be repeated along with the Notice of Intent to Circulate and the exact text of the proposed ordinance on the back of the page containing the space for signatures.

Section 4. The exact text of the proposed ordinance appears in this part of the petition section. It may continue for however much space is needed to include the entire text of the proposed ordinance.

Etc...

Etc...

Etc...

Executed at _____ CITY, STATE _____ day of _____ 1990
RESIDENCE ADDRESS OF CIRCULATOR _____ CITY, STATE _____ Zip Code _____ Telephone Number _____
PRINTED NAME OF CIRCULATOR (First Name, Middle Name, Surname) _____ SIGNATURE OF CIRCULATOR (First Name, Middle Name, Surname) _____

I am, and was during all the time while circulating this section of the petition, a registered voter of the City and County of San Francisco, I executed this section of the petition and saw the appended signatures being written. To the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be. All signatures were obtained between _____ 1990 and _____ 1990. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DECLARATION OF CIRCULATOR

Official Use	Signature	Date Signed	City	Zip Code
	Print Name		Residence Address	
Official Use	Signature	Date Signed	City	Zip Code
	Print Name		Residence Address	

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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NOTICE TO THE PUBLIC. THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

Use Pen Only — PLEASE PRINT ALL INFORMATION EXCEPT SIGNATURE — Use Pen Only

1	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code
2	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code
3	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code
4	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code
5	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code
6	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code
7	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code
8	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code
9	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City	Zip Code

BUNDLING PETITION SECTIONS FOR SUBMISSION

(Refers to Question & Answer #19)

So that the Registrar of Voters can more quickly determine if, *prima facie*, you have submitted a sufficient number of signatures for your recall petition, you are encouraged to prepare your petition sections as follows:

1. Check signers on each petition section. Addresses with P.O. Boxes or cities other than San Francisco are invalid.
2. Sort the petition sections into stacks, so that each stack has sections with the same number of signatures (i.e. one stack will have petition sections which each have ten signatures, another stack will have petition sections which each have nine signatures, etc.).
3. Within each stack use rubber bands or string to bundle petition sections into batches with 50 sections each.
4. Prepare a Petition Circulator Log. This is a sample format:

DATE	PETITION SECTION SERIAL NUMBER RANGE	FIRST NAME	SURNAME	ADDRESS	PHONE	ID NUMBER (DRIVER'S LICENSE OR OTHER)	OFFICE USE ONLY
6/10	0001-0010	KELLY	LEE	555 MAIN	555-5555	Z1111111	



OFFICE
1993